IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4861 of 2000
AND
SPECIAL CIVIL APPLICATION No 4862 of 2000
WITH
SPECIAL CIVIL APPLICATION No 8144 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT PETROLEUM EMPLOYEES UNION
Versus
UNION OF INDIA

Appearance:
MR TR MISHRA for Petitioner
MR MUKESH R SHAH for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 13/09/2000

ORAL JUDGEMENT

#. Rule. The Learned Counsel for the respondent waives service of rule. Spl. C.A. Nos.4861 and 4862 of 2000 are filed pursuant to the order to file separate petitions in respect of the workmen concerned in the Spl.C.A. No.8144 of 1999.

#. By way of these petitions under Article 226 of the Constitution the petitioner- a Trade Union has prayed for an appropriate writ or direction to the respondent nos.1 and 2 to amend the order of reference referring the Industrial Dispute so as to reflect the demands and dispute raised by the petitioner.

#. The Learned Counsel for the petitioner submitted that the demand and disputed raised by petitioner was different from the terms of reference which are indicated in the impugned orders. It is further submitted that the fact that the workmen concerned were discharged from their service and were demanding reinstatement, is lost sight of, and that aspect is not reflected in the terms of reference in the impugned orders. It is further submitted that the contractor who was joined as a party during the conciliation proceeding is also not shown as a party to the dispute in the impugned orders. The petitioner has made necessary representations before the respondents but no response is received.

#. In view of the submissions as above, it appears that the orders of reference are required to be reconsidered by the appropriate authority for necessary amendments. Accordingly, it is ordered that the respondent nos.1 and 2 shall reconsider the matter in light of the representations of the petitoner and make appropriate amendment by issuing a corrigendum order so as to see that the terms of reference fully and properly reflect the dispute amongst the parties concerned. This exercise shall be completed within six weeks of the receipt of the writ of this order. Accordingly Spl.C.A. Nos.4861 and 4862 of 2000 are allowed and the rule issued therein is made absolute. The Spl.C.A. No.8144 of 1999 does not survive and therefore stands disposed and rule issued therein is discharged.

kks